

MEMO ENDORSED

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**STATUS REPORT; REQUEST FOR
EXTENSION OF TIME TO MOVE**

BY ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Mario Altagracia v. Fer's Cleaners II Corp., et. al.
Case No. 21 Civ. 108 (VEC)

Dear Judge Caproni,

We are counsel to the plaintiff and we write with reference to the court's order dated October 22, 2021 [Docket 31] directing plaintiff to apply for a default judgment by November 5, 2021. Upon receipt of the order we contacted the individual defendant Felipe Espinoza, via E-mail and telephone.

We note that the docket reflects that the order was mailed to the defendants and returned as undeliverable. We have confirmed that the address is correct, and the defendants' business is operating at that address, so we do not know why it was not delivered.

Felipe Espinoza claims that he did not cooperate with the court-appointed *pro bono* attorney because the attorney advised him that she only represented him and not his business.

In any event, Mr. Espinoza relayed that he is willing to meet with us once to try to resolve the case. As such, we respectfully request an extension of thirty (30) days to try to engage directly with the defendants.

Thank you for your consideration of this case.

Respectfully submitted,

/s/ Peter H. Cooper

Peter H. Cooper

cc: Felipe Espinoza (Via E-mail: FER11368@yahoo.com)

Application GRANTED. If Defendants Fer's Cleaners II Corp., Touch Cleaners Inc., and Felipe Espinoza do not appear, answer, or otherwise respond to the Complaint by **December 3, 2021**, Plaintiff is directed to move for default judgment against all three defendants by **December 6, 2021**.

The Clerk of Court is directed to mail a copy of this order to Mr. Espinoza at: 605 West 158th Street, New York, NY 10032.

SO ORDERED.



10/29/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE